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June 5, 2013

Honorable Judge Brodie
United States Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

RE: Nickle v. Astramed, Docket No. CV-11-3753

Dear Honorable Judge Brodie:

The parties have not been able to resolve this matter.

That defendant has not changed it's position that it will make not offer of money on this matter, which the court was informed of at our last conference and as such, we believe do not believe any mediation with the Court will be beneficial at this time and that another conference would be futile and we should proceed to trial.

We are respectfully requesting a jury trial at a mutually convenient time.

Thanking you for your anticipated cooperation.

Respectfully yours,

Robert W. Dapelo